IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.413 OF 2006
IN
CRIMINAL APPEAL NO.180 OF 2006

Husain Kasim Shaikh
and Anr. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Ms.Sunita Sharma i/b Mr.S.V.Marwadi, Advocate for the Applicants.
Mrs.U.V.Kejariwal, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.
DATE : APRIL 21, 2006.

P.C.:

. Heard Ms.Sharma, learned Advocate for the applicants and Mrs.Kejariwal, learned APP for the State.

2. Applicant No.1 is the father of applicant No.2. Both of them have been mainly convicted under Section 302 of IPC.

3. Both the applicants are now seeking bail on the ground of illness of applicant No.1-Husain Kasim Shaikh. Both the applicants are in Yerwada

Central Prison, Pune.

4. It is the case of the applicants that applicant No.1 is 58 years of age and he is suffering from various medical problems. It is stated that applicant No.1 is a heart-patient. Besides this, he is also suffering from paralytic stroke and on account of the said paralytic stroke, the right side of applicant No.1 has been affected. Hence, it is prayed that both the applicants may be released on bail, so that medical ailments of applicant No.1 can be taken care of by admitting him in a hospital and applicant No.2 would help applicant No.1 in securing proper treatment.

5. On the query of the Court, as to which hospital applicant No.1 wishes to take treatment, the learned Advocate for the applicants has stated that applicant No.1 wishes to take treatment in Sasoon Hospital at Pune.

6. Mrs.Kejariwal, learned APP for the State

has stated that they are willing to admit applicant No.1 to Sasoon Hospital at Pune and will also provide him all necessary treatment at the cost of the State.

7. In view of the statement made by the learned APP, it is directed that applicant No.1 be taken to Sasoon Hospital at Pune within a period of one week from today. Applicant No.1 to be admitted in the said hospital for a period of one month or longer as thought fit by the Doctor. During the period that applicant No.1 is in Sasoon Hospital, Pune, one family member will be allowed to attend to him and to look after him. After the treatment of applicant No.1 in Sasoon Hospital at Pune is over and he is declared fit to be discharged by the Doctors, he shall be brought back to Yerwada Central Prison, Pune.

8. Thus, as applicant No.1 is being admitted by the State in Sasoon Hospital at Pune i.e. the very hospital in which applicant No.1 desired to be treated and in view of above directions we do

not think it necessary to release applicant No.2 on bail. In view of the above facts and circumstances, application for bail of applicant Nos.1 & 2 is rejected.

9. Application disposed of with above direction.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)